

# EXHIBIT B

# CLARK HILL

---

R. Kevin Williams  
T 312.985.5907  
F 312.985.5590  
Email: [kwilliams@clarkhill.com](mailto:kwilliams@clarkhill.com)

Clark Hill PLC  
130 E. Randolph Street  
Suite 3900  
Chicago, IL 60601  
T 312.985.5900  
F 312.985.5999

[clarkhill.com](http://clarkhill.com)

March 31, 2020

## **Via Overnight Courier**

Port Director  
U.S. Customs and Border Protection  
10980 Interstate 29  
Pembina, ND 58271

Attn: Ms. DeAnn O'Hara  
Fine, Penalties and Forfeitures Officer

Re: ASHH, Inc. f/k/a OOZE, Inc.  
Case No. 2020-3604-000017-01

Dear Ms. O'Hara:

We represent ASHH, Inc. f/k/a OOZE Inc ("ASHH") of Oak Park, Michigan in this case. ASHH is the owner and importer of the goods.

The seized merchandise consists of the following goods:

Product Description	Quantity
Steamboat	4,520
Trip	4,980
Kettle	160
Bowser	9,000
Cryo	9,920
Slugger	3,750
Saturn Grinder	4,800
Slack	5,260

These products were manufactured in China by Dongguan Deke Dianzi Co. Ltd..

The seizure notice alleges that these products are drug paraphernalia, as defined in 21 U.S.C.A. § 863, and, as such, are subject to seizure and forfeitures under 19 USCA 1595a(c). We submit that these products are not drug paraphernalia and thus the seizure should be cancelled, and the goods released.

March 31, 2020

Page 2

The term “drug paraphernalia” is defined in 21 U.S.C.A. § 863(d) to mean:

[A]ny equipment, product, or material of any kind which is primarily intended or designed for use in ... ingesting, inhaling or otherwise introducing into the human body a controlled substance .... It also includes items primarily intended or designed for use in ingesting, inhaling or otherwise introducing marijuana ... into the human body ....

Section 863(d) then lists several items such as the products at issue in this seizure case.

Section 863 further provides several factors to consider when determining whether an item is drug paraphernalia. 21 U.S.C.A. § 863(e). These factors are:

- 1) instructions, oral or written, provided with the item concerning its use;
- 2) descriptive materials accompanying the item which explain or depict its use;
- 3) national or local advertising concerning its use;
- 4) the manner in which the item is displayed for sale;
- 5) whether the owner, or anyone in control of the item, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- 6) direct or circumstantial evidence of sales of the item(s) to the total sales of the business enterprise;
- 7) the existence and scope of legitimate uses of the item in the community; and
- 8) expert testimony concerning its use.

Considering these factors in light of the legalization of CBD and other hemp products, it becomes clear that the seized goods are not drug paraphernalia.

Congress changed the legal status of CBD and other hemp derived product in the Agriculture Improvement Act of 2018. Pub. L. 115-334. Section 12619 of the law added an exclusion from the definition of marijuana found in 21 U.S.C.A. § 802(16). The exclusion states that marijuana does not include hemp as defined 7 U.S.C.A. § 1639o.

The definition of hemp in 7 U.S.C.A. § 1639o was also added in the 2018 legislation and provides:

The term “hemp” means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

March 31, 2020

Page 3

The ultimate effect of these amendments is that hemp products with a delta-9 tetrahydrocannabinol (“THC”) concentration of not more than 0.3 percent on a dry weight basis no longer fall within the definition of marijuana in the Controlled Substance Act (21 U.S.C.A. § 801 et. seq.). It also means that products and equipment primarily intended or designed for use to ingest or inhale these hemp products no longer fall within the definition of drug paraphernalia.

In addition to the Federal legalization of hemp products, the regulatory framework in the states and the District of Columbia has undergone drastic change in recent years. The use of marijuana is fully legalized in 11 states and the District of Columbia, and is legal for medicinal use in 28 additional states.<sup>1</sup> The use of marijuana is fully illegal in only 11 states.<sup>2</sup>

Examination of the factors listed in section 863(e) and in light of the changing regulatory framework governing the use of hemp and marijuana confirms that the seized products are not drug paraphernalia.

- 1) Instructions, oral or written, provided with the item concerning its use. The written instructions provided by ASHH for use of the seized merchandise relate solely to the use of the products with CBD or other hemp products that are now legal for use throughout the United States. Copies of these instructions are attached as Exhibit 1.
- 2) Descriptive materials accompanying the item which explain or depict its use. The descriptive materials accompanying the products are the same as those in factor 1.
- 3) National or local advertising concerning its use. ASHH advertises its products on Instagram and on the ASHH website (<https://www.oozelife.com>). The products are advertised for sale to convenience stores, gas stations, smoke shops and medical marijuana/CBD dispensaries. This advertising does not advocate the use of the products for the consumption of illegal products.
- 4) The manner in which the item is displayed for sale. The wholesale packaging for the seized products is attached as Exhibit 2. The packaging does not indicate that the products are for use with marijuana in states where it remains illegal.
- 5) Whether the owner, or anyone in control of the item, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products. ASHH is a legitimate supplier of these products to retail establishments for use with CBD and hemp products in accordance with the legalization of the use of these products by the Federal government and also in states where marijuana is fully legal.
- 6) Direct or circumstantial evidence of sales of the item(s) to the total sales of the business enterprise. In the six-month period from September 1, 2019 through February 29, 2020, the sales of the seized merchandise accounted for 7% of

---

<sup>1</sup> <https://disa.com/map-of-marijuana-legality-by-state>

<sup>2</sup> *Id.*

March 31, 2020

Page 4

ASHH's total revenue. As discussed below in Factor 7, the states where marijuana usage is fully legal or for medicinal purposes account for more than 86% of the total U.S. population.<sup>3</sup> If the usage of the seized products for consumption of legal CBD is factored into this percentage, it becomes clear that sales of the seized products is legal to all of the U.S. population.

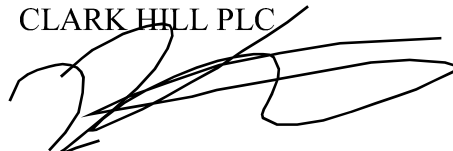
- 7) The existence and scope of legitimate uses of the item in the community. The use of the seized products is widespread and legitimate throughout the United States for the consumption of hemp products. Their use is also legitimate in the 29 states and the District of Columbia where the use of marijuana is fully legal or for medicinal purposes. The population of the states where the use of marijuana is fully legal or for medicinal purposes is more than 296,000,000.<sup>4</sup> This accounts for more than 86% of the total U.S. population.
- 8) Expert testimony concerning the use of the products. ASHH is unaware of any expert testimony regarding the use of the seized products.

For the foregoing reasons, we submit that the products subject to this seizure are not drug paraphernalia. Accordingly, the seizure should be cancelled and the products released.

Enclosed is the Signed Elections of Proceedings Form.

Respectfully submitted,

CLARK HILL PLC



R. Kevin Williams

cc: Andrew A. Ayar, Esq. - Clark Hill PLC

RKW:rkw  
Enclosure

---

<sup>3</sup> <https://worldpopulationreview.com/states/>

<sup>4</sup> *Id.*

# **EXHIBIT 1**



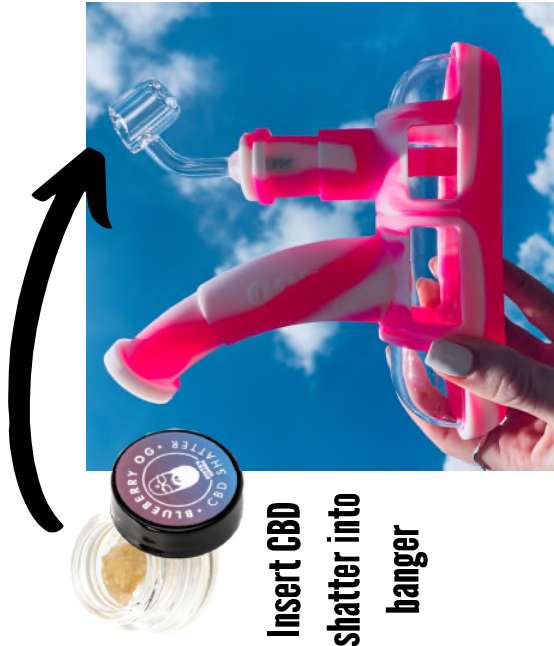
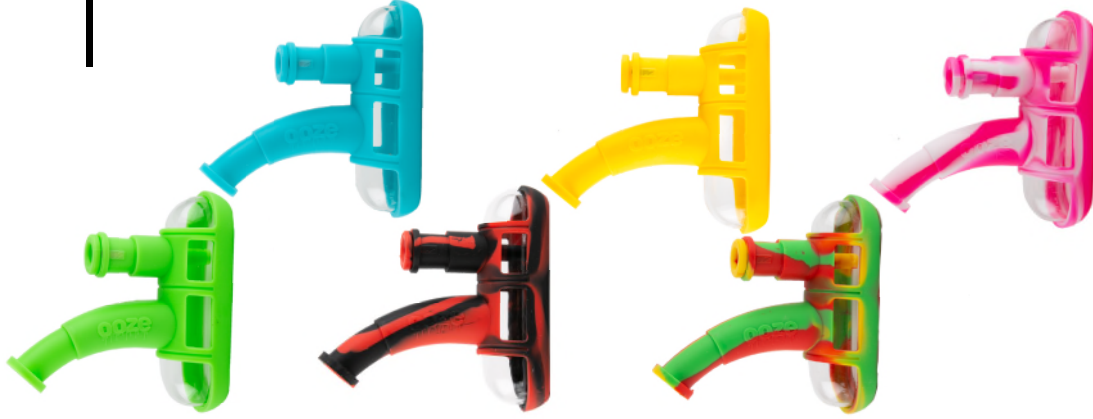
**PRODUCT LINE**

---

# STEAMBOAT

The Steamboat is a silicone-glass hybrid device that can be used with both hemp-derived CBD and industrial hemp flower and concentrates. It is the shape of a submarine or steamboat, with a long glass body surrounded by durable silicone. To use, insert either the glass bowl or quartz banger, depending on the substance you are using, and inhale through the silicone mouthpiece.

The Steamboat includes a glass bowl for smoking hemp-derived CBD and industrial hemp flower for pain relief, stress reduction, and a better night's sleep. Additionally, the quartz banger is used when this relief is needed instantly via hemp-derived CBD concentrates.



# TRIP

The Ooze Trip silicone-glass hybrid piece is intended to be used with hemp-derived CBD and industrial hemp flower and concentrates. This device has a unique shape, it's a tall cylinder with mushroom-shaped silicone pieces sprouting from the top.

The Trip includes both a glass bowl and a quartz banger. To use the bowl, grind up your hemp-derived CBD or industrial hemp flower and pack it right into the bowl. Ignite with a lighter, and inhale the healing properties of this plant right into your lungs. For immediate relief, insert the quartz banger and heat it up with a torch. Use a tool to load a small amount of your hemp-derived CBD concentrate into the banger, and cover with a cap to generate the maximum amount of vapor.



# BOWSER

The Ooze Bowser Bowl is an extremely durable and versatile hand pipe for enjoying hemp-derived CBD and industrial hemp flower. This is intended to be used as a travel pipe, for enjoying all the benefits of hemp-derived CBD and industrial hemp, without the intoxicating properties of THC.

This bowl has a silicone mouthpiece and end piece that holds the glass bowl insert, with a glass chamber connecting the two silicone pieces. Grind your hemp-derived CBD or industrial hemp flower and pack the bowl. Use a lighter or hemp wick to ignite the bowl, and inhale all the healing properties of the plant. The glass chamber can be removed and the silicone pieces connect to create a totally unbreakable travel pipe that can easily be tossed in a bag without fear of breaking.



# CRYO

The Ooze Cryo Glycerin Glass bowl is an innovative hand pipe that cools the smoke from hemp-derived CBD and industrial hemp flower. We smoke to reap the benefits of the industrial hemp plant, so it makes perfect sense to make that smoke even smoother and less harsh on your throat. Instead of having to experience a harsh inhale, we make the entire experience soothing so you can feel the healing properties right away.

This bowl is made from glass, and features a liquid glycerin-filled chamber. Place the Cryo Bowl in the freezer or out in the snow to freeze the liquid glycerin. Then grind your hemp-derived CBD or industrial hemp flower and pack the bowl. Use a lighter or hemp wick to ignite the bowl, and inhale the cool, smooth smoke.



# SLUGGER

The Ooze Slugger Dabbin Dugout is the first product of its kind. The Slugger is made completely of silicone, and is the ideal device for enjoying hemp-derived CBD concentrates on the go. It includes both a titanium and glass nail that inserts into the silicone nectar collector straw. Along the side are four storage compartments for different types of concentrate. Lift the top flap to reveal the glass bowl insert, which is where you load your product into.

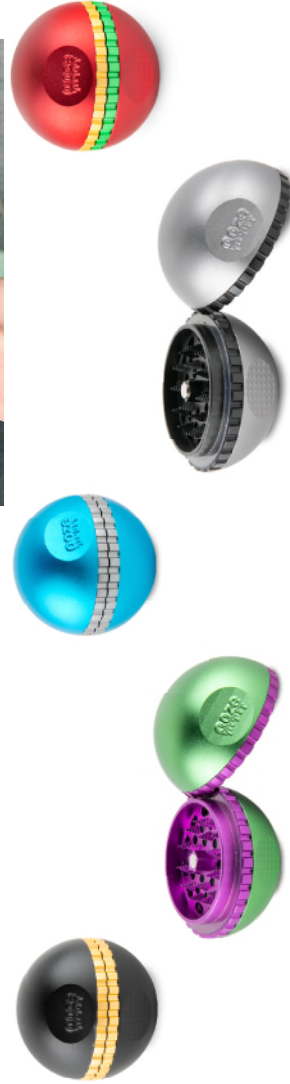
To use, heat the nail of your choice with a torch to the desired temperature. Load the product into the glass bowl, and touch the nail to the concentrate. This should vaporize the concentrates and produce smoke that delivers the healing properties of hemp-derived CBD instantly.



# SATURN

The Ooze Saturn Globe Grinder is a four piece grinding device for breaking down hemp-derived CBD and industrial hemp flower. It has a strong magnetic closure in between the teeth layers, and thumbprints for the easiest, most ergonomic grinding experience possible. The top round layer is completely closed off from the rest of the grinder, it's intended to hold unground buds for future use.

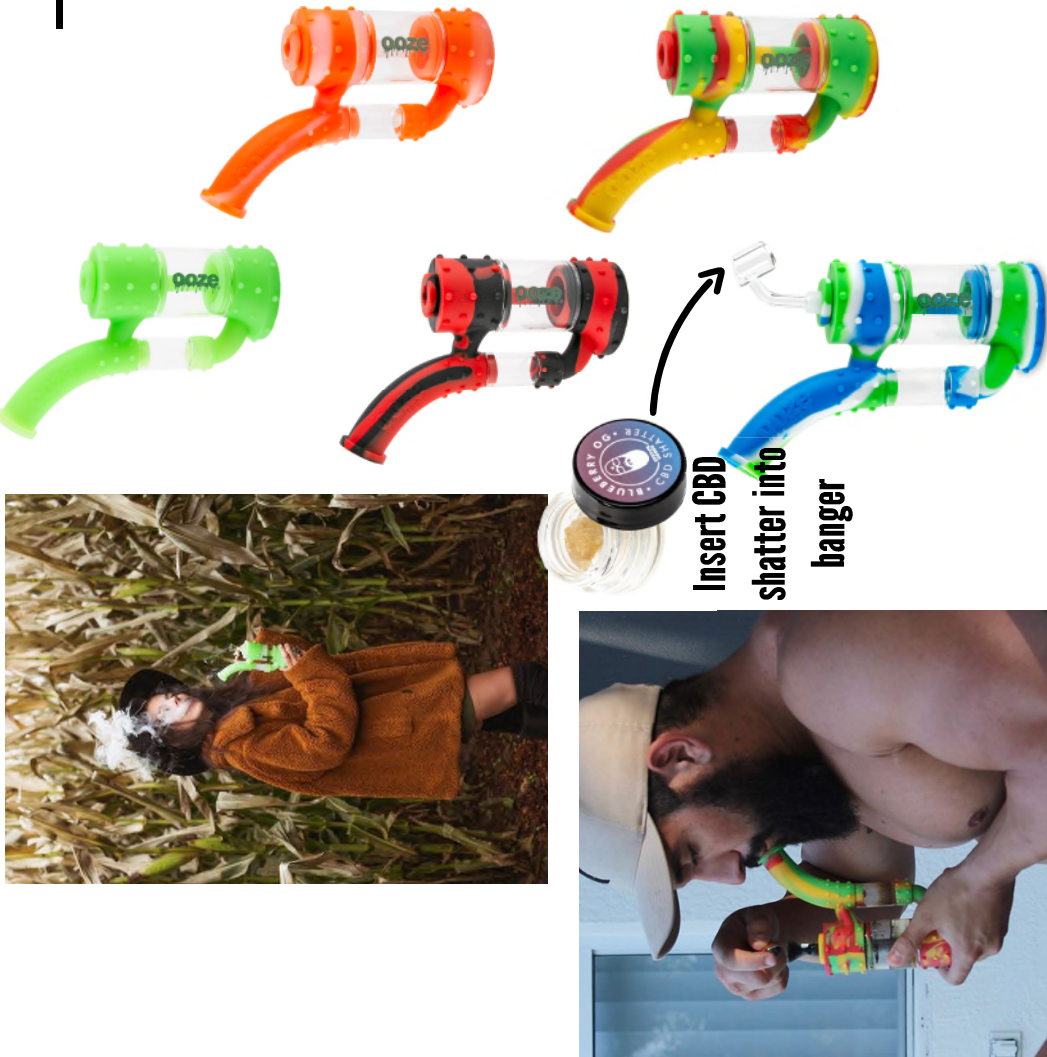
To use, unscrew the top chamber and remove the buds. Replace this chamber, and insert the buds into the teeth, and close the device. Place your thumbs on the intended grooves, and twist until all the flower has dropped through to the bottom layer. Unscrew the bottom layer to access the grind and load up your smoking device.



# STACK

The Ooze Stack is a silicone-glass hybrid device used for enjoying hemp-derived CBD and industrial hemp flower and concentrates. The Stack has a silicone base with a large glass chamber that holds the water, and a smaller glass chamber just below the mouthpiece. The dual chambers generate the maximum amount of smoke, so the user receives the full benefits of their products.

Grind the hemp-derived CBD or industrial hemp flower down and pack the glass bowl. Insert it into the silicone down stem, and ignite the bowl with a lighter or hemp wick. For hemp-derived CBD concentrates, take the quartz banger and heat it with a torch to the desired temperature. Insert the concentrate, and it fully vaporizes. Use a cap on the banger to trap the smoke and prevent it from escaping into the air.



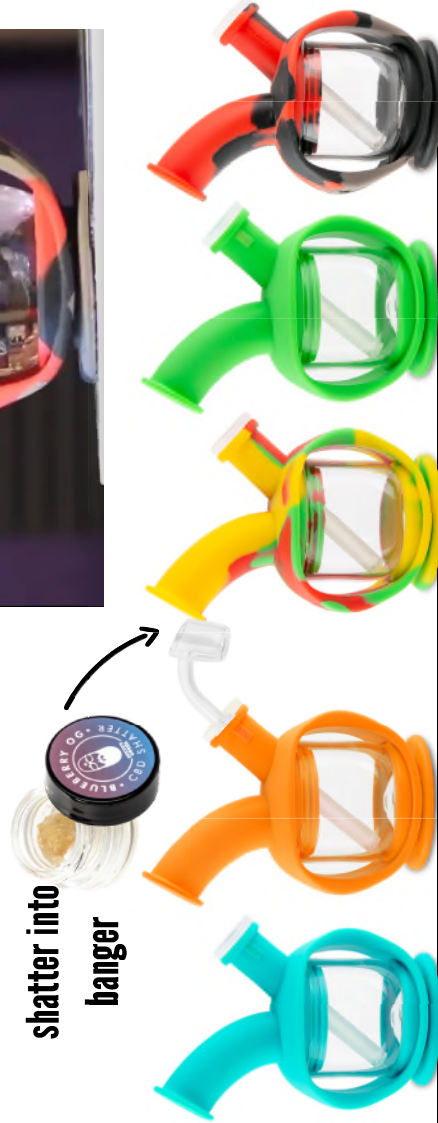
# KETTLE

The Ooze Kettle is a silicone-glass hybrid device used for enjoying hemp-derived CBD and industrial hemp flower and concentrates. The Kettle has a 14mm silicone down stem that slides in and out of the base that is surrounding a thick glass water chamber and can easily pop in and out for quick filling and cleaning. This bong features a suction base that secures it to whatever surface you're using, preventing any party fouls.

The Kettle includes both a glass bowl and a quartz banger. To use the bowl, pack hemp-derived CBD or industrial hemp flower into the bowl and ignite. For hemp-derived CBD concentrates, take the quartz banger and use a torch to heat to desired temperature. Once it's heated, insert the concentrate and it fully vaporizes. Use a cap on the banger to trap the smoke. The Kettle also features a magnetic lightning bolt just below the down stem, which keeps your tools handy at all times.



**Insert CBD  
shatter into  
banger**



## **EXHIBIT 2**

# ooze<sup>®</sup> WHOLESALE

WHY CHOOSE OOZE

- LARGE VARIETY OF PRODUCTS
- HIGH MARGINS FOR OUR RETAILERS
- EXCELLENT CUSTOMER SERVICE
- PRODUCTS ARE 100% GUARANTEED
- LIFETIME WARRANTY ON BATTERIES

## SPEND AND SAVE

- \$1000 GET \$25 OFF
- \$2000 GET \$50 OFF
- \$4000 GET \$100 OFF

**SIGN UP AT [OOZEWHOLESALE.COM](http://OOZEWHOLESALE.COM) TO GET \$50 OFF YOUR FIRST ORDER**

**CODE: B2BMAG**







[View Insights](#)

[Grow Audience](#)



Liked by **nikki\_ooze** and **3,315 others**

**oozeline** NEW JUST ARRIVED NEW

Introducing the brand spankin' new  SLUGGER  
DABBIN' DUGOUT 



[View Insights](#)

[Grow Audience](#)



Liked by **janewagner** and **4,683** others

**oozeline** Save yourself from the heat 🔥💧 Stick



oozelife



[View Insights](#)

[Grow Audience](#)



Liked by **janewagner** and **1,230 others**

**oozelife** The Saturn is the perfect grinder for that person that always has the coolest looking gadgets 🕶️ What color combo would you want to see next?



[View Insights](#)

[Grow Audience](#)



Liked by **janewagner** and **2,055** others

Life is... #M... li...   



[View Insights](#)

[Grow Audience](#)



Liked by **nikki\_ooze** and **1,495 others**

**oozeline** The ultimate adventure pipe 🚣 What are you doing for **#SpringBreak**?

.

Order your **#Glebb** now to get your free Shot Glass



[View Insights](#)

[Grow Audience](#)



Liked by **janewagner** and **1,239** others